

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

**LANDMARK AMERICAN
INSURANCE COMPANY**

V.

SOUTEX SURVEYORS, INC., ET AL.

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NO. 1:09-CV-696

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

The court referred this matter to the Honorable Earl S. Hines, United States magistrate judge for pretrial proceedings pursuant to an Order of Reference entered on May 26, 2010. The court has received and considered the report of the United States magistrate judge, who recommends that the court grant accept the third party plaintiff and third party defendant's stipulation of dismissal, deny third party General Insurance Company of America's pending motion for summary judgment as moot, and enter partial judgment with prejudice with regard to the third party defendant General Insurance Company of America. No objections to the report were filed by the parties.

The magistrate judge's report (doc. #42) is hereby **ADOPTED**. It is **ORDERED** that the joint agreed stipulation of dismissal with prejudice (doc. #40) is **ACCEPTED**, third party defendant General Insurance Company of America is **DISMISSED**, and the pending motion for summary judgment (doc. #27) filed by General Insurance Company of America is **DENIED as MOOT**.

So **ORDERED** and **SIGNED** this **4** day of **October, 2010**.



Ron Clark, United States District Judge